2013 Annual Report for the Gender Research & Advocacy Project (GR&AP)









2013 was a significant year for the Legal Assistance Centre as **GR&AP celebrated its 20**th **birthday** and the **LAC celebrated its 25**th **birthday**. We commemorated these anniversaries with a review of GR&APs achievements over the last 20 years (press release attached to this report) and an open office event in Zoo Park where we provided information and assistance to passing clients.





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Thank you! What an impressive contribution!

Dhyani, Berger, Distance Learning Program Advisor

Congratulations and keep up your amazing work! Namibia needs you now more than ever!

Kelly Mitchell-Clark, Communications & Small Grants Assistant, U.S. President's

Emergency Plan for AIDS Relief, U.S. Mission to Namibia

Please receive my most sincere congratulations on the 20th anniversary of the Gender Research & Advocacy Project of the Legal Assistance Centre. WAD is indeed proud of your immense contribution towards achieving Gender Equality in the Namibian society.

May you be abundantly blessed!

Veronica De Klerk, Executive Director, Women's Action for Development

Congratulation on your 20th birthday!!! Wishing you a great day

Philippe Talavera, PhD, Director, Ombetja Yehinga Organisation

Congratulations!

Julia Sloth-Nielsen, Dean of the Law Faculty at the University of the Western Cape

2013: A YEAR IN REVIEW

In 2013, GR&AP continued to conduct research, advocacy and outreach on a wide range of areas. The highlight of the year was the release of the long-awaited **research** report, *Maintenance Matters: An Assessment of the Operation of the Maintenance Act 9 of 2003.* The report is the third in a series conducted by the Legal Assistance Centre on the operation of



key gender laws in Namibia (following on research on the laws on rape and domestic violence).

We continued to **lobby for law reform** in many areas including advocacy on the progress of the Child Care and Protection Bill and other child and family laws, We provided specific comments on various bills including the Combating of Trafficking in Persons Bill and a revised version of the Child Justice Bill.

Other areas of **advocacy** included our work to address the high levels of gender-based violence, the operation of the Woman and Child Protection Units, provision of legal aid for divorce, the need to extend maternity leave provision to encourage longer breastfeeding and the extent of human slavery in Namibia.

We worked on a number of **projects** during 2013

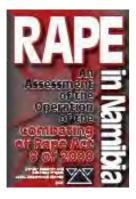
including providing assistance to the Ministry of Home Affairs and Immigration to revise the Births, Marriages and Deaths Registration Act, the production of materials for the Ministry of Education on the learner pregnancy policy, the production of a poster series on the prevention of babydumping, the production of two circulars for stakeholders about domestic violence and the initial stages of a project to produce a complete set of annotated statutes for Namibia.

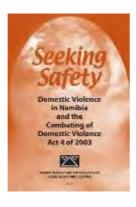
In terms of **outreach**, we distributed over 181 000 publications in English, Afrikaans and a range of indigenous languages, aimed at raising awareness on gender-related legal issues, hosted or presented at 14 workshops (excluding workshops conduced on behalf of our partners) on a range of topics, involving over 1200 people (814 women and 413 women) and engaged with the media, appearing in the media over 130 times during the year through press releases, newspaper and magazine articles and television and radio interviews.

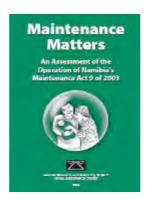
RESEARCH

Maintenance Matters: An Assessment of the Operation of the Maintenance Act 9 of 2003

We launched our *Maintenance Matters* at the Supreme Court of Namibia in October 2013. The report is the third in a series conducted by the Legal Assistance Centre on the operation of key gender laws in Namibia. The study is also a follow-up to a study published by the LAC in 1995 on the operation of the previous Maintenance Act (the Maintenance Act 23 of 1963).









Data was collected from maintenance files opened during the years 2005 to 2008. During this four-year period, nearly 19 000 maintenance complaints were opened nationwide. The study presents the findings of the field research from:

- 1 687 court files opened in the period 2005-2008 from 19 of the 31 magistrates' courts in place at the time of the study, located in 12 of Namibia's 13 (now 14) regions;
- 34 interviews with magistrates, maintenance officers and clerks from 11 regions;
- 6 focus group discussions with a total of 62 people;
- an examination of reported and unreported cases that cite the Maintenance Act; and
- relevant statistics, judicial developments and examples from other countries.

The study also contains a review of the importance of maintenance and a summary of how the Maintenance Act was developed, an analysis of some of the Act's key provisions and recommendations for fine-tuning the law and regulations, and for improving the implementation of the law.

We will continue to popularise the findings and recommendations from the report in 2014.

ADVOCACY

Legislation and policy

Despite ongoing public attention – including a reference to the bill in the President's speech at the opening of Parliament - the **Child Care and Protection Bill** did not progress beyond the stage of technical drafting in 2013. We continued to liaise with the Ministry of Gender Equality and Child Welfare and the Ministry of Justice and worked with them on reviewing one drafty chapter on adoption which was completed ahead of the rest of the bill. We also gave a presentation to a National Assembly subcommittee on Human Resources on law reforms on underage drinking in the Bill, along with other law reform options and social strategies on this topic.

We reviewed and gave input on the Combating of Trafficking in Persons Bill, a revised version of the Child Justice Bill, the Judicial Oversight Bill and the Deeds Registries Bill. We also gave input on the revised High Court Rules and submitted comments on the proposed Vocational and Education Levy. We also continued to follow up our concerns about the constitutional problems in the Research Science and Technology Act.

Gender-based violence

GR&AP continued to prioritise initiatives aimed at dealing with the problem of gender-based violence. Our activities were wide-ranging and varied, ranging from meetings with government officials to providing material for art exhibitions such as *Love Matters in Art*. We also utilised the media, most notably with our contribution to the debate on whether wearing mini-skirts contributes to GBV. We also produced two circulars for stakeholders about domestic violence (discussed below).



Women and Child Protection Units

In 2013 the management of the Woman and Child Protection Units was decentralised to fall under regional NamPol Commanders. We attempted to engage the Ministry of Safety and Security on this issue to understand how this may affect the operation of the Units and to find out who non-governmental organisations should now liaise with regarding service delivery of the units. Unfortunately we did not receive any feedback. We will continue our efforts in 2014. As part of our work in this field we also reviewed all of the major recommendations that have been made for the improvement of Namibia's Women and Child Protection Units over the last 24 years and combined them in a comprehensive electronic report. We hope to receive funding to print the report in 2014.



Divorce



It also came to our attention in 2013 that the free government legal aid service is no longer providing general assistance for divorce cases. This is a grave concern as it may mean that people, particularly women who cannot afford to hire a private lawyer, may be trapped in violent relationships. We published our concerns in a newspaper article printed in *The Namibian*.

Extension of maternity leave

In 2012 we launched an advocacy initiative to extend maternity leave to six months after the birth of the child. This proposal received revived attention in 2013 through interest from the State House, media, and a number of other organisations. We also discussed the issue with the Social Security Commission, MVA Fund chief executive officer Rosalia Martins-Hausiku and business woman Hilda Basson-Namundjebo.

Human slavery in Namibia

A new international report on human slavery estimated that there are some 16 000 persons living in a position akin to slavery in Namibia. This is clearly a mistake and we reviewed the methodology behind the calculation to assess how such a statement was produced. We published our concerns over the report in *Insight* magazine.



PARTNERSHIPS WITH GOVERNMENT

Revision of the Births, Marriages and Deaths Registration Act



We continued to work with the **Ministry of Home Affairs and Immigration**, with the support of UNICEF, to provide technical assistance for a revision of the Births, Marriages and Deaths Registration Act. The project started in 2012 with comprehensive research into best practice and in 2013 we assisted the Ministry to conduct public and stakeholder consultations and to prepare a draft bill and accompanying regulations.

Consultations with the public took the form of (1) **factsheets** translated into English and two Namibian languages (Afrikaans and Oshiwambo) and placed in 9 newspapers and magazines and used at workshops; (2) a **question and answer column** in *The Namibian* newspaper; (3) **a full page comic**; (4) **pamphlets on birth registration and changing surnames**; (5) **workshops**; and (6) **media outreach** (radio, television and a Facebook page).

The **factsheets** contained a list of short questions for the public to give feedback on and the Ministry received useful and informative contributions from the public. The question and answer column was a new technique not previously used in law reform processes in Namibia, and it proved to be popular with the public. A total of seven columns were placed over a period of four months. The **comic** was placed in the *New Era* newspaper and the pamphlets contained information about birth registration and changing of surnames as well as questions for discussion about the new law. The workshops, which were held at national and regional level, involved regional Ministry of Home Affairs and Immigration staff members, as well as representatives from the Office of the Prime Minister, Ministry of Health and Social Services, Ministry of Gender Equality and Child Welfare, Ministry of Education, Ministry of Justice and Ministry of Safety and Security, governors and regional counsellors, insurance brokers and local non-governmental organisations and traditional leaders. The technical working group also conducted other ad-hoc consultations at opportunities that arose during the consultation period. For example the LAC was invited by the Kilimanjaro community group in the Windhoek township Katutura to assist with problems associated with birth registration. The LAC also gave training on birth registration to other groups in Katutura, including Family of Hope Services and Hope Initiatives, and discussed options for law reform as well as problems with the current law. Child participation was an important component of the reform process. The Ministry held four youth consultations across the country and discussed the revision process with the Children's Parliament. One of the factsheets was also placed in a magazine for young people. Media outreach utilised six radio stations in five different languages as well as national television (both the Namibian Broadcasting Corporation (NBC) channel and the private television station One Africa). Other radio stations also covered the revision process at their own initiative.

Promotion of the Education Sector Policy for the Prevention and Management of Leaner Pregnancy

GR&AP was engaged by the **Ministry of Education** to produce a poster series about this policy. We also provided training for regional school counsellors using the training manual for the policy that we produced on behalf of the Ministry in 2012.



Annotated statutes

We received funding from the **Parliamentary Support Project** (funded through the European Union) to produce a complete set of annotated pre- and post-Independence statutes for Namibia. News of this project caused great excitement amongst the legal fraternity, who instantly recognised the immense value of this project. The first stage of the process involved reviewing and updating our database of laws in force and scanning post-Independence *Government Gazettes*. The project will be completed at the end of 2014.

Invalid marriages

GR&AP also provided the **Ministry of Home Affairs and Immigration** with information on case law regarding the legal definition of when a marriage is considered valid in Namibia - particularly in the situation where a marriage officer has failed to properly register the marriage.

Ministry of Justice

GR&AP provided background research for a speech by the Chief Justice for which the Southern African Chief Justice's Forum, on how the judiciary contributes to economic development.

Our Chief Justice is very pleased with same and we sincerely appreciate your assistance herein.

Clerk for the Chief Justice

Partnership with Law Reform and Development Commission

We provided input into forthcoming LRDC publications containing law reform proposals on *locus standi* (standing to bring a legal case) and cohabitation, as well as input into the draft electoral laws.

OTHER PROJECTS

Preventing babydumping

A new and innovative project conducted in 2013 and supported by the British High Commission was our contribution towards preventing babydumping. We produced a series of 16 posters and Facebook banners with the message "Don't dump him" or "Don't dump her". Each poster contained information about alternatives to babydumping. The pictures used in the posters were contributed by members of the public and we gave the contributors their "personal" poster and banner in electronic form for circulation in the hope that they would send the posters far and wide to friends, colleagues and relatives - with the intention that the materials would reach a more varied audience than we might otherwise achieve by standard circulation techniques. We translated the posters into Oshiwambo, Afrikaans and Rukwangali and printed copies in all four languages. The posters were printed at no cost in three newspapers.



One of our posters (bottom right) showed the LAC Director Toni Hancox as a baby and as she is today with the message "See what she could become" to encourage people to think about the potential all babies have.



We received much positive feedback for the project

Some of the comments from people we made posters for

- I'm glad that we can be part of this initiative; I hope that we all can make a difference.
- It looks nice i like it a lot... I will get more pic's of babies and ask the parents to send them to you. Please contact me if i can be of more help
- Really glad to be part of the campaign

Some of the comments from people in the community

- I think these little faces would let someone think twice before doing such a horrible deed!!!
- The personalised poster is an EXCELLENT idea! Well done.
- I had to write to say that I think this new initiate looks great I don't have a facebook thingie but I appreciate what a powerful media it is in spreading the word so great concept for LAC initiative.

Some of the comments on the LAC Facebook page

- "i love this, big ups""
- "Sure[ly] not how precious"
- "Hy lyk oulik n sweet boy"

Some of the comments from stakeholders

Congratulations, this is a wonderful idea.

A magistrate

Congratulations! Great work!. This is such an important initiative, can I have some of those posters electronically that I can use during my alcohol and drug power point presentations during community meetings which I have so many of please and I do believe baby dumping is linked with alcohol and drug abuse.

René A. Adams (Mrs), Programme Manager: Subdivision Substance Abuse, Prevention,
Drug Control and Rehabilitation, Ministry of Health and Social Services

Thank You it is a great initiative.

Reinette Cronje, Head of the Woman and Child Protection Units

Another indicator of impact was the type of client feedback we received during the project period – we noticed that we received a higher than normal number of calls since the initiative began about adoption (from both people wanting to give children up for adoption and people wanting to adopt) and foster care (one person called wanting information about how to foster a child that had been dumped).

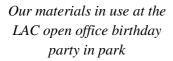
Domestic violence

Following on from the release of our report *Seeking Safety* in 2012, we produced two circulars focusing on specific subtopics for key stakeholders. Both memos were circulated to all courts, Woman and Child Protection Units and social workers at the Ministry of Gender Equality and Child Welfare as well as to our partners. The production of the circulars was supported by the British High Commission and the US Embassy.



Encouraging accountability in schools

GR&AP received funding from UNICEF to produce materials intended to assist learners, parents and community members to hold schools accountable to current policy standards. In preparation for the materials development, we conducted focus group discussions with learners and parents to find out what information they need and conducted a review of materials currently available. We will finalise the materials in 2014.





PUBLIC OUTREACH: WORKSHOPS

In addition to workshops facilitated under the projects discussed above, we hosted or gave presentations at **14 workshops to over 1200 people** (814 women and 413 women). Workshop participants included church leaders, psychologists, students, youth, sex workers and community members. In most cases our involvement was unfunded.

Month	Workshop details	Number of people
March	Presentation on GBV to 2 nd year social work students	48
	at UNAM	(40 females & 8 males)
	Presentation at a debate on youth issues hosted by	19
	Positive Vibes	(15 females & 4 males)
May	Presentation on gender and the law to St. Charles	45
	Lwanga Seminary, a centre that trains young	(5 females & 40 males)
	priests/nuns	1.5
	Presentation on advocacy to 1 st year social work	45
	students at UNAM	(40 females & 5 males)
	Presentation about GBV and child abuse to the	30
	Psychological Association	(25 females & 5 males)
June	Presentation on World Elder Abuse Awareness Day	150
	under the theme under the theme "Protect Seniors:	(75 females & 75
	Take a stand against elder abuse"	males)
	Presentation at a teenage pregnancy and substance	350
	abuse seminar organised by the Namibia National	(175 females & 175
	Students Organisation (NANSO)	males)
	Presentation on the Combating of Rape Act and the	26
	Combating of Domestic Violence Act for sex workers	(All female)
July	Presentation on the importance of a Code of Conduct	45
July	for church groups at the program for the Christian	(15 females & 30
	Church Leaders Strategic Conference & Seminar	males)
August	Presentation on rape to students at the Polytechnic of	28
	Namibia	(25 females & 3 males)
	Presentation on gender in Namibia at a breakfast	150
	hosted by the MVA Fund in celebration of women on	(140 females & 10
	21 August	males)
October	Week-long community workshop in Tsumeb &	47
	Ondera	(182 females & 15
		males)
November	Panel discussion on increasing maternity leave to 6	70
	months at the Institute of People Management	(35 females & 35
	Convention 2013 at Safari Hotel (an annual event	males)
	where HR Practitioners & Professionals)	
	Hoachanas Women Against Poverty Group	24 persons
		(16 females & 8 men)







We also maintained an **international presence**, presenting our research findings from *Maintenance Matters* at a conference in **Heidelberg**, **Germany** on the recovery of maintenance in the EU and worldwide. A video of one of the two presentations given was also screened at a conference in Baltimore, USA later in the year. We also attended a workshop in **Dakar**, **Senegal** on the right to nationality hosted by OSIWA (Open Society Initiative for West Africa), WARIPNET (West African Refugees and Internally-Displaced Persons Network) and RADDHO (Rencontre Africaine pour la Défense des Droits de l'Homme / African Assembly for the Defence of Human Rights), under the auspices of the African Commission on Human and Peoples Rights. The discussions on nationality included issues pertaining to birth registration. The meeting was part of an initiative to work towards the adoption of a protocol to the African Charter on Human and Peoples' Rights on the right to a nationality in Africa.

PUBLIC OUTREACH: MEDIA

We continued to **engage the media**, through press releases and appearances on television, radio or in print over 130 times during the year.

Print

We were interviewed for or wrote 17 articles during the year.



Television and radio

We also continued appear on a regular live slot on the Namibian Broadcasting Corporation breakfast television show *Good Morning Namibia* and periodically on the discussion show *Tupopyeni*. We also made regular radio appearances on NBC National Radio, NMC Damara Nama radio, RadioWave and Radio Kosmos. Overall we were on **radio 55 times** and on **television 60 times** during 2013, resulting in an average of five appearances per month on radio and on television.





Dianne Hubbard on the NBC television programme Dialogue

Facebook

We also maintained a constant presence on **Facebook**, encouraging our ever-increasing number of "Facebook friends" to post comments about the materials we produce and activities we conduct.

PUBLIC OUTREACH: ASSISTING CLIENTS

GR&AP continued to help a wide range of clients in person and by sms, telephone and email with queries. Questions from clients included problems with domestic violence, maintenance, marriage and numerous other issues ranging from whether a person can require their domestic worker to be tested for HIV to information about discrimination in the workplace for a client who wanted to continue breastfeeding her child once she returned to work.

We also continued to monitor a court case which began in 2012, involving assault charges against teachers in respect of the illegal use of corporal punishment in a private school. The case concluded in 2013, with the teachers all being convicted of assault. This judgement provides unequivocal clarification that corporal punishment may not be used in state or private schools. The teachers will appeal the conviction in 2014, when our mornitoring wil continue.

I'm very grateful for all the helpful information you e-mailed! Thank you very much!....On a final note, I'll just add that I admire the work that all of you at the LAC have and are doing for Namibia!



Feedback from a client

Providing information to clients at our 25th birthday open office celebration in Zoo Park

PUBLIC OUTREACH: DISTRIBUTION OF MATERIALS

GR&AP distributed over **181 000 publications** in 2013 in a range of languages. Although this is still an impressive figure, it is considerably lower than for previous years. Sadly this is a reflection of the ever-increasing struggle for funding - in 2013 we simply did not have as many printed copies of publications to distribute as in previous years. We have a 34-page long list of all of our publications that are available electronically.

On a personal note, I read in the newspaper that you might have to cut down your work due to lack of funds. I just want to say that there are many people all around the world, who have your organisation in their thoughts at this time, knowing that you have done so much support for individuals as well as groups,



not to mention the Ovahimba people, over the years. Feedback from a client

Despite these challenges we attempted to distribute our publications as effectively as possible. For example by distributing materials to the unit commanders of the Woman and Child Protection Units when they were in Windhoek for group training (thus avoiding transport costs) and by providing materials on babydumping for distribution by the Ombetja Yehinga Organisation when they performed a dance piece on this topic. We received feedback that this information was a useful supplement to the performance: 'My daughter enjoyed it (the show). And I appreciated that information was given to the audience, so she went through the comic and the info brief and she was able to ask more questions.' (Note: the daughter in question is 12 years old.)

As always we continued to receive feedback about the value of our materials:

I would like to congratulate you on your endeavor – from what I read on your webpage – you do a most relevant and impressive work. I spent my last 5 years in Mozambique and I would have loved to see such an initiative happen.

Karin Fueg, Country Director, Helvetas Swiss Intercooperation Tajikistan

I did not get a chance to thank you for the help with the material you gave us during our civic education in Oshana Region during Independence. We have managed to go to 7 constituencies and hosted the programme in 9 schools from the very deep rural areas and gave the material after discussions with the youths to the school libraries. All the principals were very delighted as well as the learners. So thank you and I hope, you will manage to help in the future were you guys can!!!!!!!

Rosalia Nuuyoma, Information Officer, Ministry of ICT

CONCLUSION

In 2013 GR&AP continued to work on a wide range of projects involving research, advocacy, awareness-raising and law reform. Year on year there are small improvements in the child and family law landscape but there are still vast gaps in the legislative framework including the need for the enactment of the Child Care and Protection Bill and the development of an up-to-date Child Justice Bill as well as progression on the Marriage Bill, Recognition of Customary Marriages Bill, Divorce Bill, Inheritance Bill, Marital Property Reform Bill and National Population Registration Bill (incorporating law reforms on birth registration). Furthermore, for the laws that are already in place, awareness-raising for the public and training for service providers is still much needed. Therefore despite ever-increasing funding challenges, the work conducted by the Gender Research and Advocacy Project remains as relevant today as it did when the Project first started twenty years ago.



STAFF

Full-time staff

Dianne Hubbard-Coordinator (dhubbard@lac.org.na)



Dianne is a graduate of Harvard Law School. She also has degrees in English from the University of North Carolina in the USA and Stellenbosch University in South Africa. She has been the Coordinator of GR&AP since its inception in February 1993. In 2010 Dianne was invited to take up a 3-year term on the Law Reform and Development Commission and was subsequently elected Deputy Chairperson.

Rachel Coomer-Public Outreach Manager (rcoomer@lac.org.na)



Rachel is a graduate of the University of Oxford and has a Master's degree in Child and Family Studies from the University of the Western Cape. Her role in the department is to manage all outreach functions including the development of educational materials, the dissemination of advocacy material and research findings, various trainings and media liaison.

Yolande Engelbrecht-Paralegal (<u>yengelbrecht@lac.org.na</u>)



Yolande joined GR&AP at the beginning of 2009, having worked at the Ministry of Justice for a number of years. Yolande takes the main responsibility for running workshops on behalf of the department.

Grace Kapere-Project Assistant (gkapare@lac.org.na)



Grace rejoined GR&AP in 2013 having taken a career break. Grace takes responsibility for office administration and manages the logistics of publication distribution.

Yolanda Itamba - Project Assistant (<u>yitamba@lac.org.na</u>)



Yolanda joined GR&AP in 2012 and resigned in 2013.



Sharon Fox - Canadian lawyer Foreign Affairs Canada's Young Professionals International Program, through the Canadian Bar Association, with the support of the Canadian International Development Agency.



Abigail Niebuhr - Doctoral candidate, African Studies Department, Oxford University



Ewan Bruce - Third year student from University of St Andrews, Scotland



Stefan Conway - Third year student from University of St Andrews, Scotland



Brigit Rudd – Namibian graduate of London School of Economics with a Master's degree in gender and development.



Julia Ward - Fulbright scholar



Michael Hazel – Experienced American lawyer



Markus Ihalainen – graduate of University of Uppsala in Sweden, with a Master's degree in Political Science



GR&AP staff and some of the interns who were with us in 2013

DONORS

Ministry of Home Affairs and Immigration (through UNICEF)

Ministry of Education

UNICEF Namibia

British High Commission

Embassy of Finland

US Embassy

European Union

Terre des Hommes

Parliamentary Support Commission/Konrad-Adenaur-Stiftung (backfunded by the EU)
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British High Commission Windhoek















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